



**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SACRAMENTO SESSION
NOVEMBER 7, 2018
FIRST AMENDED**

The following cases are placed upon the calendar of the Supreme Court for oral argument at its courtroom in the Stanley Mosk Library and Courts Building, 914 Capitol Mall, Sacramento, California, on November 7, 2018.

WEDNESDAY, NOVEMBER 7, 2018—10:00 A.M.

- (1) Rand Resources, LLC, et al. v. City of Carson et al., S235735
(*Ashmann-Gerst, J., assigned justice pro tempore*)
- (2) People v. Westerfield (David Alan), [Automatic Appeal], S112691
(*Slough, J., assigned justice pro tempore*)

1:30 P.M.

- (3) People v. Armstrong (Janelle Edward), [Automatic Appeal], S126560
(*Perluss, P. J., assigned justice pro tempore*)
- (4) People v. Colbert (Mark Anthony), S238954
(*Tangeman, J., assigned justice pro tempore*)
- (5) People v. Potts (Thomas), [Automatic Appeal], S072161
(*Simons, J., assigned justice pro tempore*)

CANTIL-SAKAUYE
Chief Justice

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)

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The following case summaries are issued to inform the public about cases that the California Supreme Court has scheduled for oral argument and of their general subject matter. In most instances, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

WEDNESDAY, NOVEMBER 7, 2018—10:00 A.M.

**(1) *Rand Resources, LLC, et al. v. City of Carson et al., S235735*
(Ashmann-Gerst, J., assigned justice pro tempore)**

#16-335 Rand Resources, LLC, et al. v. City of Carson et al., S235735. (B264493; 247 Cal.App.4th 1080; Los Angeles County Superior Court; BC564093.) Petition for review after the Court of Appeal reversed an order granting a special motion to strike in a civil action. The court limited review to the following issues: (1) Did plaintiffs' causes of action alleging the breach of and interference with an exclusive agency agreement to negotiate the designation and development of a National Football League (NFL) stadium and related claims arise out of a public issue or an issue of public interest within the meaning of Code of Civil Procedure section 425.16? (2) Did plaintiffs' causes of action arise out of communications made in connection with an issue under consideration by a legislative body?

**(2) *People v. Westerfield (David Alan), S112691 [Automatic Appeal]*
(Slough, J., assigned justice pro tempore)**

This matter is an automatic appeal from a judgment of death.

1:30 P.M.

**(3) *People v. Armstrong (Jamelle Edward), S126560 [Automatic Appeal]*
(Perluss, P. J., assigned justice pro tempore)**

This matter is an automatic appeal from a judgment of death.

(4) ***People v. Colbert (Mark Anthony), S238954 (Tangeman, J., assigned justice pro tempore)***

#17-50 People v. Colbert (Mark Anthony), S238954. (H042499; 5 Cal.App.5th 385; Santa Clara County Superior Court; 206805.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence. This case presents the following issue: Did defendant's entry into separate office areas of a commercial establishment that were off-limits to the general public constitute an "exit" from the "commercial" part of the establishment that precluded reducing his conviction for second degree burglary to misdemeanor shoplifting under Penal Code section 459.5?

(5) ***People v. Potts (Thomas), S072161 [Automatic Appeal] (Simons, J., assigned justice pro tempore)***

This matter is an automatic appeal from a judgment of death.